

Remarks

Careful consideration has been given the Official Action dated October 22, 2004 in preparing this response. Reconsideration of Claims 1-21 is respectfully requested in light of the remarks which follow. This 2nd attempt to avoid an unnecessary appeal is being taken to avoid the needless expenditure of time and expense. In the alternative, it is requested that the finality of this rejection be withdrawn as having been prematurely made final since the insertion of an entirely new ground of rejection was not, as the Examiner has alleged, made necessary by Applicant's amendment but by two factors: a) the original rejection was ill-founded, and b) the reference to Wu et al. had only issued 3 weeks prior to the time the first rejection was made (perhaps after the original search was performed, most likely was not even in the shoes at the time of the search).

The present invention is directed to a device for steadyng a video camera during its operation. When secured rigidly to a platform (ala Reese et al. or Wu et al.) the camera will bounce in synchronization with the hand/support which holds it. Applicant's device steadies the camera during filming by permitting the camera and its support platform to pivot under the influence of a gravity-influenced counterbalance, on a Teflon bushing. The socket freely pivots about the ball under the force of gravity to maintain the platform (and, hence, the camera) level within the roll, pitch and yaw limits specified in the claim. There is **no means to lock the upper member** relative to the lower member. To do so would interfere with the operation of the device. The Examiner appears to misperceive how Applicant's device works leading to the misapplication of these references in rejecting allowable Claims 1-21.

Although the Examiner has not expressly stated that the Election of Species is made final, given the fact she has not withdrawn the Election in favor of examining all of the claims, Applicant's undersigned representative presumes that is the Examiner's intent. The undersigned, therefore, reiterates that the hands-free unit of Figs. 8 and 9 is not a species of the claimed invention but is, rather, an accessory attachable to, and usable with, the platform of Figs. 1-6. It therefore has a combination, sub-combination relationship to the device set forth in Claim 1. Accordingly, where, as in the case of Claims 9-14, the features of the hands-free unit are claimed in conjunction with the features of the steadyng platform (as dependent claims), the features of the accessory should be examined on their merits. In any event, it is respectfully submitted that, in that generic Claim 1 is

allowable, the election should be withdrawn and the claims allowed as a group.

Claims 1-4, 6-8 have been rejected under 35 USC §102(b) 35 USC §103(a) [sic] as unpatentable over Reese in view of Wu et al. It is the Examiner's position that

The patent to Reese et al. discloses a camera steady device 10 having a support platform (20) and a support shaft (16a, 18) connected to the bottom surface of the platform, having a first upper portion (16), and a separate second lower portion (18), the first and second shafts being positionable within 60 degrees relative to each other and a locking mechanism (24) to lock them in place, a sphere (30) affixed to the upper portion of the support shaft (16a, 18) a socket with a handle (32a, 32b, 16) which has a straight portion and an [sic] fifteen degree angled portion (59), the socket which is permitted to freely pivot about the sphere, a range of plus or minus 60 degrees about a roll and pitch axis and plus or minus 360 degrees about a yaw axis by being, [?sic] the socket which has a first upper plate (32b) with a first downwardly directed truncated spherical recess, and a second lower plate (32a) with a second upwardly directed truncated spherical recess, which pivotally captures the sphere (30).

Reese does teach a counterbalanced socket plate member connected to the bottom portion of the support shaft and a means attachable to socket plate to by [sic] which the support platform is suspended or a and [sic] means (48) for attaching a video camera.

Wu et al. shows a camera steady device for a video camera (60) and a means for attaching (341) the camera, which has a sphere attached to support shaft (20) which has a counterbalancing socket plate member (12) connected to a bottom portion of the support shaft (20) and a means (13) attachable to socket plate to by [sic] which the support platform is suspended, used to firmly hold the video camera to the device and to suspend the device from a support surface. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Wu et al. to have added these things to the device of Reese et al. in order to firmly attach the camera to the device and to suspend the device from a support surface.

As best understood and as it may be applied to the amended claims, this rejection is respectfully traversed.

As intimated, supra, Reese et al. and Wu et al. are directed to platforms which can be locked in a fixed position relative to a support member. Neither is for use with a hand-held video camera. Reese et al. is intended for use with a computer screen while Wu et al. is designed for use with a still (not a video, or motion picture, camera). Applicant's socket pivots freely relative to the supporting sphere. While Applicant's undersigned representative has removed the words "at all times" to obviate the Examiner's rationale for failing to consider these arguments on their merits, the current

wording implies "at all times" given that there is no locking means present. It is never locked down; there is no mechanism present for locking. The locking mechanism of Claim 3 is for locking the two portions of the support shaft relative to each other so the camera can be positioned with a certain orientation, the force of gravity retaining it in that orientation in spite of the jostling associated with the walking of the cameraman. Contrary to the Examiner's assertion, there is no balance plate connected to the "lower portion of said support shaft to help counterbalance a weight of the camera" in the Reese et al. device. Further, it is unclear what "things" the Examiner wishes to transplant from Wu et al. to Reese et al.

Claim 5 has been rejected under 35 USC §103(a) as unpatentable over Reese et al. in view of Wu et al. and Donahue. It is the Examiner's position

Reese et al. and Wu et al. disclose applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show that the sphere is made of Teflon. Donahue shows [still sic] a joint having a sphere (62) that is made of Teflon, used for its low friction properties (See Col. 6, lines 20-24 for material selection). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Donahue to have made the sphere of Teflon in order to have a low friction point.

As it may be applied to the amended claims, this rejection is respectfully traversed.

The addition of Donahue to Reese et al. in view of Wu et al. does nothing to remedy the deficiencies of the primary rejection with regard to the limitations of parent Claims 1, 4. Further, while the use of a TEFLON ball for low resistance is not novel, there is no teaching or suggestion to use such a low resistance ball for a pivot of a steading platform for a hand-held video camera, in the manner of the teaching of the present invention. Accordingly, it is respectfully submitted that this rejection is ill-founded and should be withdrawn.

While it is believed that this proposed amendment overcomes the rejections set forth in the Final Rejection dated October 22, 2004, should the Examiner disagree, she is respectfully requested to withdraw the finality of the rejection as having been prematurely made. While the Examiner alleges the new ground of rejection was necessitated by Applicant's amendment, the fact is that this new ground was necessitated by the inadequacy of the original rejection, a fact which was *pointed*

out by Applicant's previous response but not *necessitated* by it. Further, the secondary reference was just issued prior to the date of the original rejection and most probably, was not available at the time of the original search. Finally, should the other rationale postulated for entering this amendment fail to sway the Examiner, she is requested to enter the amendment as placing the application in better form for appeal.

It is respectfully submitted that Claims 1-21 meet the formal requirements set forth in 35 USC §112, define around the art of record and are, therefore, in condition for allowance. The restriction requirement is ill-founded as noted supra. The Examiner has applied references which do not teach the invention. The examiner did not expressly make the election requirement final. The Examiner did not address the undersigned's request to withdraw the finality of the rejection. It would be a tragic miscarriage of justice to force Applicant into the expense of an appeal as a result of shoddy examination. Withdrawal of these ill-founded rejections and indication of allowability is earnestly solicited.

Respectfully submitted,



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Certificate of Mailing under 37 CFR §1.8

I hereby certify that this amendment to the above identified application entitled "Steadying Camera Support Platform" is being deposited with the United States Postal Service addressed to Commissioner for Patents, Mailstop AF, PO Box 1450, Alexandria, VA 22313-1450 with adequate first class postage on the date shown.

Signed Richard K. Thomson Date January 21, 2005